

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

VITA WEST,

Plaintiff,

Case No: _____

v.

SHELBY COUNTY, TENNESSEE,

JURY DEMANDED

Defendant.

COMPLAINT

COMES NOW Plaintiff, Vita West, and brings this civil rights action against her employer, Defendant Shelby County, Tennessee, Plaintiff, pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* (“Title VII”), seeks to remedy the Defendant’s violations of Title VII. As set forth herein, Plaintiff was subjected to unlawful employment practices by Defendant.

I. PARTIES

1. Plaintiff, Vita West, is a resident citizen of Shelby County, Tennessee and a current corrections officer with the Shelby County, Tennessee, at the Division of Corrections. At all times relevant hereto, Plaintiff is ready, willing and able to perform all of the essential functions of her position.

2. Defendant Shelby County, Tennessee is a governmental entity in the State of Tennessee and is a public employer and the legal entity that operates the Shelby County Division of Corrections (“SCDOC”).

II. JURISDICTION AND VENUE

3. The Court has jurisdiction over Plaintiff's discrimination and retaliation claims under 42 U.S.C. 2000e pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) and (4).

4. Venue is proper in this Court as all parties can be found in this District and all the actions complained of herein took place in this District.

III. STATEMENT OF FACTS

5. Plaintiff was hired by Defendant SCDOC on January 2, 2002 as a corrections officer.

6. Throughout her employment with the SCDOC, Plaintiff has consistently met or exceeded expectations in her job performance as is evidenced by her performance evaluations and commendations.

7. On April 16, 2018, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunities Commission ("EEOC") in Memphis, Tennessee, Charge No. 490-2019-01157 (the "First Charge") alleging gender discrimination and retaliation. In her First Charge, Plaintiff alleged discrimination based upon sex and retaliation.

8. Plaintiff was issued a notice of right to sue and Plaintiff filed suit in the United States District Court for the Western District of Tennessee, Docket No. 2:18-cv-02490-JTF-cgc ("the Complaint"), alleging a sexually hostile work environment at the Shelby County Division of Corrections and retaliation for voicing opposition to perceived discriminatory practices.

9. Subsequent to filing her First Charge and the Complaint, Plaintiff was subject to retaliatory treatment by her employer including but not limited to, being subjected to unnecessary scrutiny, singled out for and issued unwarranted discipline, singled out for assignments to

maximum security buildings, and placed on an extended administrative leave pending a baseless investigation.

10. On or about May 23, 2019, Plaintiff was falsely accused of abusing her position as a county employee and was issued a Disciplinary Action Form suspending her from her employment without pay for thirty (30) days.

11. Plaintiff appealed the discipline to the Shelby County Civil Service Merit Board which held a hearing on June 2, 2019 and issued a decision reducing the discipline to a fifteen (15) day suspension.

12. Since filing the First Charge and the Complaint she has unfairly been given poor performance evaluations, which negatively impacted her promotion potential, adversely impacted her earnings, and will affect her eventual retirement.

13. Plaintiff alleges that she was treated less favorably than similarly situated individuals who have engaged in similar or worse conduct and who have not made complaints of discrimination and/or voiced opposition to perceived discriminatory practices and who have received no discipline or much more lenient discipline.

14. Plaintiff alleges that she was treated less favorably than similarly situated individuals who have engaged in similar or worse conduct and who have not made complaints of discrimination and/or voiced opposition to perceived discriminatory practices and who have received more favorable performance evaluations.

15. On May 28, 2019, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunities Commission (“EEOC”) in Memphis, Tennessee, Charge No. 490-2019-01157 (the “ Second Charge”) alleging retaliation. A true and correct copy of the Second Charge is attached hereto as Exhibit A.

16. The Second Charge was filed within 300 days of the adverse employment actions complained about herein.

17. On June 3, 2019 the EEOC issued a Notice of Right to Sue Within 90 Days to Plaintiff (the "Notice"). A true and correct copy of the Notice is attached hereto as Exhibit B.

18. Plaintiff has exhausted her administrative remedies.

19. This action is timely filed.

IV. CAUSE OF ACTION

COUNT I – VIOLATIONS OF TITLE VII

20. Plaintiff incorporates the paragraphs above by reference as though specifically set forth herein, and alleges that:

21. Defendant's actions constitute unlawful retaliation in violation of Title VII. Specifically, Defendant has disciplined Plaintiff more harshly and treated Plaintiff less favorably in retaliation for her voicing opposition to perceived gender discrimination and retaliatory conduct. Upon information and belief, other similarly-situated individuals who have not voiced opposition to discriminatory practices have been treated more favorably than Plaintiff.

22. As a direct and proximate result of Defendant's intentional and unlawful conduct toward Plaintiff, Plaintiff has lost and continues to lose significant wages and benefits and has sustained other pecuniary loss.

23. Plaintiff, as a direct result of Defendant's intentional and unlawful actions, has suffered damage to her professional career and professional reputation, as well as to her personal reputation.

24. Further, Defendant's intentional and unlawful actions taken against Plaintiff have been demeaning to Plaintiff and have caused Plaintiff to suffer pain, humiliation, and

embarrassment, as well as severe anxiety, stress, and emotional distress which has resulted in mental and physical injuries for which Plaintiff has had to seek medical treatment.

25. Defendant's unlawful actions complained of above were intentional, malicious, and taken in reckless disregard to the constitutional and statutory rights of Plaintiff.

V. PRAYER FOR RELIEF

WHEREFORE, for the reasons set forth above, Plaintiff prays that the following relief be granted following a jury verdict in her favor:

1. An award of back pay, lost benefits, and other pecuniary losses proximately caused by Defendant's unlawful conduct;
2. Compensatory damages for the emotional distress, loss of enjoyment of life, humiliation and embarrassment caused by Defendant in an amount to be determined by the jury;
3. A trial by jury; and
4. Such further legal and equitable relief as is deemed just and proper.

Respectfully Submitted,

/s/ James M. Allen
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